

ATTACHMENT P

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* CERTIFIED BY THE SUPREME COURT OF NEW JERSEY
AS A CRIMINAL TRIAL ATTORNEY

September 5, 2014

FILE NO.:

Electronically Filed

Marcia M. Waldron, Clerk
United States Court of Appeals
21400 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1790

Re: United States v. Daniel Jenkins
Case No. 14-1825

Dear Ms. Waldron:

I write in response to the Court's Order, dated September 4, 2014, to update the Court and to clarify what appear to be misimpressions about my previous letter.

First, since receiving the Order, we have ordered the transcripts. As I had previously stated, we had not done so because defendant-appellant's brother had represented to us that he had already ordered and received the transcripts.

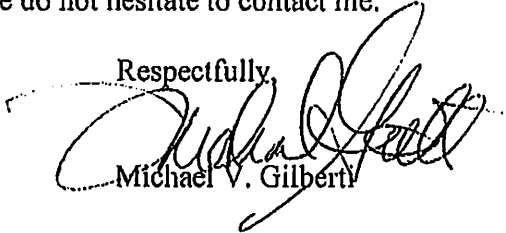
Second, the Order states that I did not move, in response to the Order to Show Cause, to withdraw from the case. That is correct. However, I had previously moved to withdraw based on the potential conflict of interest, arising from Mr. Jenkins' primary claim for this appeal that my representation at the District Court was constitutionally ineffective, and the Court had denied my motion. Because there were no new facts or legal authorities, there was no basis for a new motion.

Finally, at the time of his plea in the District Court, Mr. Jenkins waived his right to appeal. This is a threshold issue which the Court must address. *See United States v. Erwin*, Docket No. 13-3407.

Marcia M. Waldron, Clerk
September 5, 2014
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Thank you for your consideration. If you have any questions or need any additional information, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael V. Gilbert", is written over the word "Respectfully,". The signature is fluid and cursive.

Michael V. Gilbert

MVG:pe
Enclosure

cc: Glenn S. Moramarco, Esq., AUSA

TRANSCRIPT PURCHASE ORDER

For Third Circuit Court of Appeals

District Court District of New Jersey Court of Appeals Docket No. 14-1825
 District Court Docket No. 2-13-cr-00646-001

Short Case Title U. S. A v. DANIEL JENKINS
 Date Notice of Appeal Filed by Clerk of District Court MARCH 19, 2014

Part 1. (To be completed by party responsible for ordering transcript)

NOTE: A SEPRATE FORM IS TO BE TYPED FOR EACH COURT REPORTER IN THIS CASE.

A. Complete one of the following and serve ALL COPIES:**TRANSCRIPT:**☐ None ☐ Unnecessary for appeal purposes.☒ Already on file in the District Court, Clerk's office.

☒ This is to order a transcript of the proceedings heard on the date listed below from Walter Perelli (Court Reporter)
 (Specify on lines below exact date of proceedings to be transcribed). If requesting only partial transcript of the proceedings, specify exactly what portion or what witness testimony is desired.

Plea hearing before Judge William H. Walls on 10/29/2013Sentencing hearing before Judge William H. Walls on 3/11/2014

If proceeding to be transcribed was a trial, also check any appropriate box below for special requests; otherwise, this material will NOT be included in the trial transcripts.

☐ Voir dire; ☐ Opening statement of plaintiff ☐ defendant
☐ Closing argument of plaintiff ☐ defendant
☐ Jury instructions ☐ Sentencing Hearings

FAILURE TO SPECIFY IN ADEQUATE DETAIL THOSE PROCEEDINGS TO BE TRANSCRIBED, OR FAILURE TO MAKE PROMPT SATISFACTORY FINANCIAL ARRANGEMENTS FOR TRANSCRIPT, ARE GROUNDS FOR DISMISSAL OF THE APPEAL OR IMPOSITION OF SANCTIONS.

B. This is to certify that satisfactory financial arrangements have been completed with the court reporter for payment of the cost of the transcript. The method of payment will be:

☒ Criminal Justice Act (Attach copy of CJA form 24)
☐ Motion for transcript has been submitted to District Court Judge
☐ Private Funds

Signature

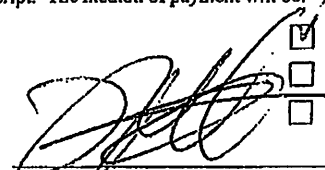
Date

Print Name

Counsel for

Address

Telephone

Michael V. Gilberti, Esq.9/4/2014Daniel Jenkins25 Sycamore Ave, Suite 101, Little
Silver, NJ 07701732-212-0400**Part II. COURT REPORTER ACKNOWLEDGEMENT (To be completed by the Court Reporter and forwarded to the Court of Appeals on the same day transcript order is received.)**

Date transcript order received	Estimated completion date; if not within 30 days of date financial arrangements made, motion for extension to be made to Court of Appeals	Estimated number of pages

☐ Arrangements for payment were made on _____
☐ Arrangements for payment have not been made pursuant to FRAP 10(b)

Date

(Name of Court Reporter)

Telephone

Part III. NOTIFICATION THAT TRANSCRIPT HAS BEEN FILED IN THE DISTRICT COURT (To be completed by court reporter on date of filing transcript in District Court and notification must be forwarded to Court of Appeals on the same date.)

This is to certify that the transcript has been completed and filed with the District Court today.

Actual Number of Pages

Actual Number of Volumes

Date

Signature of Court Reporter